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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,889	02/22/2002	William E. Bardwell	59731	9939
27975	7590	06/23/2005	EXAMINER	
ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A. 1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE P.O. BOX 3791 ORLANDO, FL 32802-3791			ABDI, KAMBIZ	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/081,889	BARDWELL, WILLIAM E.
	Examiner	Art Unit
	Kambiz Abdi	3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 February 2002.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-29 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 May 2002 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>22 May 2002</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

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DETAILED ACTION

1. Claims 1-29 have been examined and are pending.

Claim Objections

2. Claims 4, 12 are objected to because of the following informalities: the acronym "LRC" is not defined in the claims or any place in previous claims. Appropriate correction is required.
3. Claim 4 is objected to because of the following informality: the word "wherein" has been repeated twice. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 14-19, and 21-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,509,083 to Nooral S. Abtahi et al in view of U.S. Patent No. 4,984,270 to Jack LaBounty or U.S Patent No. 6,832,315 to Richard Waltham.

6. As per claims 1, 8, 9, 14, and 21, Abtahi discloses a method and system for regulating the use of a token, the token comprising at least one of an access card, credit card, debit card, identification card and smart card, and including at least a magnetic storage medium thereon, the system comprising:

- an authorized token user enrollment unit including a first biometric sensor device for capturing a first biometric image and generating therefrom first digital pixel data for a first array of image

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pixels (See Abtahi figures 1-3 and associated text, column 4, lines 45-62, and column 9, lines 5-4),

- a first image processor for processing the first digital pixel data to produce enrollment biometric data (See Abtahi figures 1-3 and associated text, column 4, lines 45-62, and column 9, lines 5-4),
- a copy protect code generator for generating a copy protect code, and
- a first magnetic storage medium reader/writer for writing the enrollment biometric data and the copy protect code on the magnetic storage medium of the token (See Abtahi figures 1-3 and associated text, column 4, lines 45-62, column 9, lines 5-4, and column 12, lines 33-40);

at least one token holder verification unit for verifying the identity of a token holder presenting the token, and comprising

- a second biometric sensor device for capturing a second biometric image and generating therefrom second digital pixel data for a second array of image pixels (See Abtahi figures 1-3 and associated text, column 4, lines 45-62, and column 9, line 64- column 10, line 47, column 11, lines 37-44),
- a second image processor for processing the second digital pixel data to produce verification biometric data (See Abtahi figures 1-3 and associated text, column 4, lines 45-62, and column 9, line 64- column 10, line 47, column 11, lines 37-44),
- a second magnetic storage medium reader for reading the enrollment biometric data and the copy protect code from the magnetic storage medium of the token (See Abtahi figures 1-3 and associated text, column 4, lines 45-62, column 7, lines 32-44, column 9, line 64- column 10, line 47, and column 11, lines 37-44),
- a copy protect code verification unit for verifying the copy protect code, and
- a comparator for comparing the verification biometric data produced by the second image processor with the enrollment biometric data stored on the magnetic storage medium of the token to determine if the token holder is the authorized token user (See Abtahi figures 1-3 and

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associated text, column 4, lines 45-62, and column 9, line 64- column 10, line 47, column 11, lines 37-44).

What is not explicitly disclosed by the Abtahi reference is generation of the copy protected code (See Abtahi column 4, lines 50-58). However, LaBounty or Waltham clearly discloses the use of Longitudinal Redundancy Check (LRC) code as a check for integrity of the data stored on the magnetic stripe (See LaBounty column 4, lines 39-47 and column 6, line 62- column 7, line 20 and Waltham column 7, line 60- column 8, line 22).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to use the LRC code as a control code for protecting the integrity of the data stored on the magnetic stripe of the card.

7. As per claims 2, 10, 15, and 22, Abtahi, LaBounty or Waltham disclose a method and system according to claim 1, 9, 14, 21, further Abtahi discloses the biometric information is based upon a fingerprint; and wherein capturing the biometric image comprises capturing the biometric image using a fingerprint sensor (See Abtahi figures 1-4 and associated text, column 4, lines 45-62, and column 9, line 64- column 10, line 47, column 11, lines 37-44).

8. As per claims 3, 16, and 25, Abtahi, LaBounty or Waltham disclose a method and system according to claim 1, further Abtahi discloses the copy protect code is encrypted (See Abtahi column 12, lines 33-40).

9. As per claims 4, 11, 17, and 26, Abtahi, LaBounty or Waltham disclose a method and system according to claim 1, 9, 14, and 21, further Abtahi discloses a magnetic stripe card for storing data upon the magnetic stripe tracks of the card. It would have been obvious to one having ordinary skill in the art at the time the current invention was made to comprise a card corresponding to the ANSI/ISO/IEC 7810 standard and the magnetic storage medium comprises a magnetic stripe having three tracks in

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accordance with the ANSI/ISO/IEC 7810 standard; and storing the biometric data and copy protect code on the third track of the magnetic stripe.

10. As per claims 5, 12, 18, 19, 27, and 28, Abtahi, LaBounty or Waltham disclose a method and system according to claim 4, 11, 17, and 21, further Abtahi is not specific on reading of the data from the magnetic stripe tracks and calculate a Longitudinal Redundancy Check (LRC). However, LaBounty and Waltham clearly discloses the use of Longitudinal Redundancy Check (LRC) code as a check for integrity of the data stored on the magnetic stripe (See LaBounty column 4, lines 39-47 and column 6, line 62-column 7, line 20 and Waltham column 7, line 60-column 8, line 22). Therefore, It would have been obvious to one having ordinary skill in the art at the time the current invention was made to reading the copy protect code stored on the magnetic stripe, calculating an LRC character and comparing the LRC code read from the magnetic stripe with the verification LRC code for better assurance of the data integrity.

11. As per claims 7, Abtahi, LaBounty or Waltham disclose a method and system according to claim 1, further Abtahi discloses the token comprises a generally rectangular substrate (See Abtahi figure 7 and associated text).

12. As per claims 23, Abtahi, LaBounty or Waltham disclose the system according to claim 22, further Abtahi discloses the biometric sensor device further comprises a finger slide adjacent the fingerprint sensor (See Abtahi figure 4-6 and associated text).

13. As per claims 24, Abtahi, LaBounty or Waltham disclose the system according to claim 23, wherein the finger slide further comprises finger guides and a finger stop (See Abtahi figure 4-6 and associated text).

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14. Claims 6, 13, 20, and 29, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,509,083 to Nooral S. Abtahi et al in view of U.S. Patent No. 4,984,270 to Jack LaBounty or U.S Patent No. 6,832,315 to Richard Waltham as applied to claims 1, 9, 14, and 21 above, and further in view of U.S. Patent No. 6,301,376 to George h. Draganoff.

15. As per claims 6, 13, 20, and 29, Abtahi, LaBounty or Waltham disclose a method according to claim 1, 9, 14, and 21, further Abtahi clearly discloses the finger print is recorded as array of image pixels. Abtahi is not explicit on the details of the such array of pixels. However, Draganoff is clear that pixel array comprises a series of consecutive and colinear image pixels (See Draganoff column 9, lines 40-61 and column 11, lines 40-55).

16. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Conclusion

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to **Kambiz Abdi** whose telephone number is **(571) 272-6702**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **(571) 272-6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from

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either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see

<http://portal.uspto.gov/external/portal/pair>

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

or faxed to:

(703) 305-7687 [Official communications; including After Final communications labeled "Box AF"]

(703) 308-1396 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the Examiner in the

Knox Building, 50 Dulany St. Alexandria, VA.

Kambiz Abdi

Examiner



June 21, 2005